

EXHIBIT 8

TRANSCRIPT OF MOTIONS

October 28, 2005

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BEFORE: THE HONORABLE GERALD BRUCE LEE
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT: OFFICE OF THE UNITED STATES ATTORNEY
BY: DAVID LAUFMAN, ESQ.
STEPHEN CAMPBELL, ESQ.
MARLA TUSK, ESQ.
JERRY DEMAIO, ESQ. (DOJ)
2100 Jamieson Ave.
Alexandria, Virginia 22314

FOR THE DEFENDANT: ASHRAF NUBANI, ESQ.

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OFFICIAL COURT REPORTER: RENECIA A. SMITH-WILSON, RMR, CRR
U.S. District Court
401 Courthouse Square
Alexandria, VA 22314

1 him an expert. And, the fact that the government has
2 hired him to testify as an expert witness in cases
3 including U.S. versus Battleford, Benkahla, Randall
4 Royer, Massoud, Al-Tamimi does not with this Judge sit
5 as a basis to qualify him as an expert in al-Qaeda,
6 particularly where he has had no contact with someone
7 from al-Qaeda.

8 All he has done is to read about it. My
9 jury could do an Internet search on Google and read
10 about al-Qaeda.

11 I'm sure that Mr. Kohlmann could probably
12 summarize it for them in a way that could be very
13 helpful, but I'm not of the opinion that Mr. Kohlmann is
14 an expert because he is not qualified by training,
15 because he has none other than what he is self taught.

16 He has not qualified because of the methods
17 that he's gathered his information, reading the Internet
18 and reading books in and of itself may be a way to learn
19 engineering, but at some point, the engineer has to
20 actually handle a device.

21 Here we have a person who has just read
22 about these things and is being offered to tell the
23 Court about a cell, the Ali Abdi Alramian al-Fak'asi
24 cell and the Sultan Jubran cell. He is going to make a
25 judgment that these cell were al-Qaeda cells.

1 He'd never been to Saudi Arabia, never
2 interviewed any one from either of these cells, has no
3 personal knowledge about whether these cell were
4 affiliated with al-Qaeda or anyone else.

5 So for all those reasons, the motion to
6 exclude Mr. Kohlmann's testimony will be granted.
7 Exception's preserved.

8 I think that that covers what we have for
9 trial, so I'll see you all on Monday at 10 o'clock.

10 We're in recess. Thank you.

11 (Proceeding concluded at 1:04 p.m.)

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1 CERTIFICATE OF REPORTER
23 I, Renecia Wilson, an official court
4 reporter for the United State District Court of
5 Virginia, Alexandria Division, do hereby certify that I
6 reported by machine shorthand, in my official capacity,
7 the proceedings had upon the motions in the case of
8 United States of America vs. Ahmed Omar Abu Ali.9 I further certify that I was authorized and
10 did report by stenotype the proceedings and evidence in
11 said motions, and that the foregoing pages, numbered 1
12 to 29, inclusive, constitute the official transcript of
13 said proceedings as taken from my shorthand notes.14 IN WITNESS WHEREOF, I have hereto
15 subscribed my name this 19th day of January, 2010.16
17 /s/
18 Renecia Wilson, RMR, CRR
19 Official Court Reporter
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